

Congress of the United States
Washington, DC 20515

April 6, 2005

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Federal Communications Commission
Office of the Secretary

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Martin,

It has come to my attention that the Federal Communications Commission's reconfiguration of the 800 MHz band has adversely impacted certain non-Nextel SMR licensees. These licensees, small businesses with a commitment to serving their local customers, acquired 800 MHz licenses at FCC spectrum auctions to ensure their future competitiveness with Nextel, but are now unable to utilize fully all of their spectrum resources under the constraints of the new 800 MHz band plan. Thereby, they are prevented from constructing facilities in the future equivalent to those utilized now by Nextel, i.e., high-density cellular facilities.

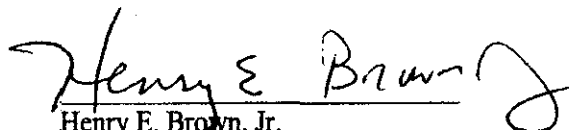
It is my understanding that some of these licensees have petitioned the Commission to reconsider this decision and to change the new rules to permit them to relocate all of their licenses, including both their Economic Area licenses (acquired at auction) and their site-specific licenses (granted before spectrum was auctioned), to the upper (cellular) portion of the new 800 MHz band. It is my further understanding that, if permitted to utilize their entire spectrum resources in this manner, these licensees intend to construct high density cellular facilities completely at their own expense to continue to compete head-to-head with Nextel.

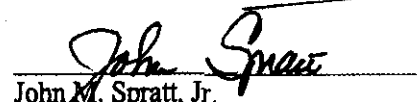
In light of the importance of smaller, independent service providers to the economy, and the importance of the unique communications services they provide to rural areas and to rural customers, I must express my deep concern about the future of these companies and the future of competition in the dispatch services market generally, particularly in light of the proposed merger of Sprint and Nextel.

As soon as possible, kindly provide me with information regarding the status of the Commission's review of the Sprint/Nextel merger application. Please also inform me as to whether or not the Commission is giving due consideration to the issue of future competition in the dispatch service market – both in the context of that merger application and in the reconsideration of the new 800 MHz band plan. Additionally, kindly notify me of the technical or engineering justifications, if any, for the current restrictions in the 800 MHz band plan that restrict certain Non-Nextel EA licensees from utilizing their site-specific licenses in their future construction of high-density cellular systems.

Thank you, in advance, for your courtesy in looking into these matters personally and responding my information requests in a timely manner.

Sincerely,


Henry E. Brown, Jr.
Member of Congress


John M. Spratt, Jr.
Member of Congress

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800 MHz
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